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Attorneys for Defendant
Andrew Trader

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALPHA INVESTMENT, LLC,

Plaintiff,

v.

ZYNGA INC. and ANDREW TRADER,

Defendants.

CASE NO. CV 11-3500-JSW

**STIPULATION REGARDING HEARING
AND CASE MANAGEMENT
CONFERENCE**

~~**PROPOSED ORDER SUBMITTED
HEREWITH**~~

WHEREAS, the Complaint in the above-captioned action was filed on July 15, 2011 and the Initial Case Management Order scheduled a Case Management Conference for October 27, 2011;

1 WHEREAS, on August 1, 2011, the Court entered an Order scheduling the Case
2 Management Conference for October 28, 2011;

3 WHEREAS, motions to dismiss and a motion to intervene (the "Motions") were filed on
4 August 5, 2011 and noticed for oral argument on November 4, 2011;

5 WHEREAS, briefing on the Motions was completed on September 7, 2011;

6 WHEREAS, on September 14, 2011, the parties stipulated and agreed that, with the
7 consent of the Court, the Case Management Conference should be adjourned until November 4,
8 2011, so as to coincide with oral argument on the Motions;

9 WHEREAS, on September 15, 2011, the Court entered an Order scheduling the Case
10 Management Conference for November 4, 2011, immediately following oral argument on the
11 Motions;

12 WHEREAS, on October 27, 2011, an Amended Clerk's Notice was entered in this action
13 rescheduling for December 16, 2011 the oral argument on the Motions and the Case Management
14 Conference that had been previously scheduled for November 4, 2011;

15 WHEREAS, due to a scheduling conflict, lead counsel for Defendant Zynga Inc.
16 ("Zynga") is unable to attend the oral argument on the Motions or the Case Management
17 Conference on December 16, 2011;

18 WHEREAS, the Court's Clerk has informed counsel for Zynga that the earliest date on
19 which oral argument on the Motions and the Case Management Conference can be held is
20 February 10, 2012;

21 WHEREAS, on October 14, 2011, the parties held a conference pursuant to Federal Rule
22 of Civil Procedure 26(f), but, as a result of the foregoing, the parties will need to develop an
23 alternative mutually agreeable schedule;

24 WHEREAS, on November 8, 2011, the parties held a conference to discuss this stipulation
25 and the staging of document discovery, on the one hand, and deposition and other forms of
26 discovery, on the other; and

27 WHEREAS, the parties seek the prompt resolution of this action;

28 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between

1 the parties to this action, through the undersigned counsel of record, as follows:

2 1. Subject to the consent of the Court, oral argument on the Motions and the Case
3 Management Conference shall be adjourned until February 10, 2012 at 9:00 a.m.;

4 2. The parties may serve requests for the production of documents, requests for admission
5 for purposes of authentication and third-party document subpoenas prior to February 10, 2012;

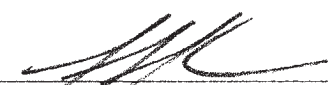
6 3. The parties shall not serve interrogatories, requests for admission other than for purposes
7 of authentication, deposition notices or forms of discovery other than those set forth in Paragraph
8 2 above prior to February 10, 2012;

9 4. Neither the adjournment of the oral argument on the Motions or the Case Management
10 Conference, nor the pendency of the Motions, shall be cited or otherwise used by any party as
11 grounds for objecting to requests for the production of documents, requests for admission for
12 purposes of authentication or third-party document subpoenas that are served by the parties prior
13 to February 10, 2012; and

14 5. The parties to this action enter this stipulation without prejudice to any parties' rights with
15 respect to discovery, including but not limited to a party's right to serve, object to, move to
16 compel, quash or stay discovery, or to seek further relief from the Court as appropriate.

17
18 DATED: November 14, 2011

COOLEY LLP

19
20 By 
21 Jeffrey M. Kaban (235743)
22 Attorneys for Defendant Zynga Inc.

23
24
25 DATED: November __, 2011

VICK LAW GROUP, APC

26
27 By _____
28 Scott Vick (171944)
Attorneys for Defendant Andrew Trader

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5 for purposes of authentication and third-party document subpoenas prior to February 10, 2012;

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7 of authentication, deposition notices or forms of discovery other than those set forth in Paragraph
8 2 above prior to February 10, 2012;

9 4. Neither the adjournment of the oral argument on the Motions or the Case Management
10 Conference, nor the pendency of the Motions, shall be cited or otherwise used by any party as
11 grounds for objecting to requests for the production of documents, requests for admission for
12 purposes of authentication or third-party document subpoenas that are served by the parties prior
13 to February 10, 2012; and

14 5. The parties to this action enter this stipulation without prejudice to any parties' rights with
15 respect to discovery, including but not limited to a party's right to serve, object to, move to
16 compel, quash or stay discovery, or to seek further relief from the Court as appropriate.

17
18 DATED: November __, 2011

COOLEY LLP

19
20 By _____
21 Jeffrey M. Kaban (235743)
22 Attorneys for Defendant Zynga Inc.

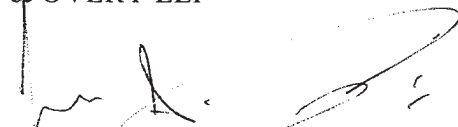
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24
25 DATED: November 14, 2011

VICK LAW GROUP, APC

26 By Scott Vick
27 Scott Vick (171944)
28 Attorneys for Defendant Andrew Trader

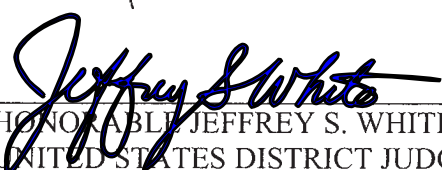
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3
4 DATED: November 14, 2011

ALLEN & OVERY LLP

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6 By 
7 Jacob S. Pultman (admitted *pro hac vice*)
8 Attorneys for Plaintiff Alpha Investment, LLC

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 DATED: November 15, 2011

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12 HONORABLE JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE
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